

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

JOHN H. MATTHEWS, JR.,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

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Case No. 4:08CV00015

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**ORDER**

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By: Jackson L. Kiser

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Senior United States District Judge

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Before me is the Report and Recommendation of United States Magistrate Judge B. Waugh Crigler entered on January 7, 2009. The Magistrate Judge recommends granting the Defendant's Motion for Summary Judgment and dismissing this action from the docket of this Court. For the reasons set forth in the accompanying Memorandum Opinion, I will **ADOPT** the Magistrate Judge's Report and Recommendation and **DENY** the Plaintiff's Objections. It is hereby **ADJUDGED** and **ORDERED** that Defendant's Motion for Summary Judgment is **GRANTED** and this case shall be **DISMISSED** from the active docket of this Court.

The clerk is directed to send certified copies of this Order and the accompanying Memorandum Opinion to all counsel of record and to Magistrate Judge B. Waugh Crigler.

Entered this 27<sup>th</sup> day of February, 2009.

s/Jackson L. Kiser

Senior United States District Judge